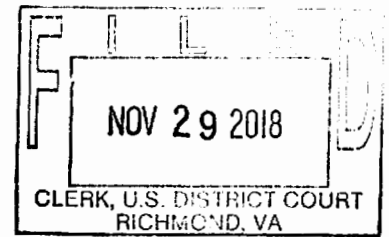


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



OZELIA HICKS, JR.,

Petitioner,

v.

Civil Action No. 3:18CV772

COMMONWEALTH OF VIRGINIA, et al.,

Respondent.

MEMORANDUM OPINION

Ozelia Hicks, Jr., a Virginia state prisoner proceeding pro se, brings this petition pursuant to 28 U.S.C. § 2254 ("§ 2254 Petition," ECF No. 1), wherein he once again challenges his convictions in the Circuit Court for the County of Chesterfield for obtaining money by false pretenses. By Memorandum Opinion and Order entered on March 3, 2016, this Court denied Hicks's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. See Hicks v. Clarke, No. 3:15CV123, 2016 WL 901265, at *9 (E.D. Va. Mar. 3, 2016). Since that date, the Court has received numerous filings from Hicks that, despite the inventive labeling, are successive, unauthorized § 2254 petitions.

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and

sentences by establishing a "'gatekeeping' mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 Petition from Hicks. Therefore, the action will be dismissed without prejudice for want of jurisdiction. A certificate of appealability will be denied.

The Clerk is directed to send a copy of the Memorandum Opinion to Hicks.

It is so ORDERED.

Date: November 28, 2018
Richmond, Virginia

/s/ *REP*

Robert E. Payne
Senior United States District Judge